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C O N F I D E N T I A L SECTION 01 OF 02 MANILA 000155

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [KCRM](#) [RP](#)
SUBJECT: MAGUINDANAO MASSACRE: LEAD SUSPECT'S TRIAL UNDERWAY

REF: A. 09 MANILA 2548 (PRESIDENT ENDS MARTIAL LAW)
[1](#)B. 09 MANILA 2503 (AMBASSADOR CAUTIONS TOP OFFICIALS)

Classified By: Charge d'Affaires, a.i. Leslie A. Bassett, reason: 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) The murder trial is underway for a powerful former Mayor suspected of leading a gruesome November 23 massacre in Maguindanao province that left 57 people dead. Two other members of his prominent family remain detained on charges of rebellion, although we understand one could be released soon. The principal murder suspect, Andal Ampatuan, Jr., a member of Maguindanao's influential Ampatuan clan, pled not guilty to charges in a trial that began January 5. In an early setback common in criminal proceedings in the Philippines, a prominent eyewitness recanted testimony that incriminated Ampatuan. The authorities have replaced nearly all provincial police officials in Maguindanao, and the media named more police officials charged with murder in the massacre. To aid investigations into the Ampatuan clan's vast private arsenal, Philippine police have requested U.S. assistance in tracing the weapons discovered in an Ampatuan cache. Civil society groups in Manila continue to mourn the loss of the more than 30 journalists and media employees killed in the massacre, including several who received journalism training through a U.S.-funded program. End Summary.

MURDER TRIAL UNDERWAY

[1](#)2. (SBU) The criminal trial is underway in Manila for former Datu Unsay Mayor Andal Ampatuan, Jr., who is charged with murder for leading a gruesome November 23 elections-related massacre in Maguindanao province that killed 57 civilians. Ampatuan, Jr. pled not guilty to 41 charges of murder in a trial that began January 5, and is seeking bail. Prosecutors have not yet filed charges in 16 remaining murder cases.

[1](#)3. (SBU) In January 13 testimony connected to Ampatuan, Jr.'s bail request (which remains pending as of January 25), Rasul Sangki, the Vice Mayor of Ampatuan town in Maguindanao province, told the court that he overheard Ampatuan, Jr. informing his father (then-Governor of Maguindanao Andal Ampatuan, Sr.) via radio that the victims had been gathered. Sangki claimed Ampatuan, Sr., replied: "You know what to do." According to Sangki, he then witnessed the killings.

COUNTERCLAIMS

[1](#)4. (SBU) Around the time of Sangki's testimony, armed men burned down a portion of a village near a farm owned by

Sangki; a Maguindanao official claimed publicly that this act was carried out by Ampatuan loyalists. The press also reported that unidentified gunmen killed a cousin of Sangki and, in a separate incident, shot at the home of another relative of Sangki. Shortly thereafter, police official Anwar Masukat, another prosecution witness, recanted an earlier statement and claimed he had falsely incriminated Ampatuan, Jr. under duress. Masukat claimed that, in fact, Sangki had led the massacre. In an additional twist, Rasul Sangki's sister, who is married to a member of the Ampatuan clan, publicly supported the allegation against her brother, accusing also her father, Zacaria Sangki.

15. (SBU) On January 22, the Philippine National Police (PNP) replaced all Maguindanao province police officials except the provincial police chief in a move was intended to increase public confidence in the continuing massacre investigation. This development took place after reports that millions of dollars in cash might have disappeared from an Ampatuan residence that security officials had searched recently. Seven police officials have also been charged with multiple murders for the massacre, but it is unclear when their trial may begin.

OTHERS FACE REBELLION CHARGES, NO TRIALS SET

17. (C) Clan patriarch and former Maguindanao Governor Andal Ampatuan, Sr., and another son, former Governor of the Autonomous Region in Muslim Mindanao (ARMM) Zaldy Ampatuan, are detained in Mindanao on charges of rebellion, which stem

MANILA 00000155 002 OF 002

from their acquisition of a significant arsenal and efforts to block the massacre investigation. Ampatuan, Sr., held at a Davao hospital while undergoing medical treatment, opposes his transfer to Manila for trial. Authorities have not announced his trial date. A senior ARMM official told us on January 21 that Zaldy Ampatuan is in a General Santos City prison with three of his brothers and has a court appeal pending. The basis for the appeal, the official explained, is that the arrest warrant against him was served during the temporary period of martial law (Ref B) in Maguindanao and is therefore invalid. Our contact predicted to us on January 26 that Zaldy Ampatuan might face only minor charges and be released from custody in the near future. Our contact claimed Interior Secretary Ronaldo Puno was concerned that Zaldy Ampatuan's long-term incarceration could cause the security situation in Maguindanao to degrade further, as Zaldy Ampatuan played a constructive role in coordinating the acts of local militia groups aligned against the Moro Islamic Liberation Front.

INVESTIGATORS SEEK U.S. HELP

18. (C) The Philippine National Police recently requested LEGATT assistance to check if weapons from an Ampatuan arms cache may have originated from the U.S. LEGATT is working on the request. The National Bureau of Investigation (NBI) is also supporting the murder and rebellion investigations, with a leading role for the ARMM NBI chief, who received training several years ago through the U.S. Anti-Terrorism Assistance Program.

CIVIL SOCIETY MOURNS

19. (SBU) Civil society groups continue to mourn the loss of 32 journalists and media employees killed in the massacre. The "November 23 Movement," composed of journalist associations and free speech groups, held a mass vigil in Manila January 23 with victims' families. Contacts told us that several of the journalists killed in the massacre participated in the State Department's DRL-funded human rights reporting project, implemented by the Institute for

War and Peace Reporting from 2007 to mid-2009 to educate
journalists on reporting techniques and ethics.

COMMENT

¶10. (C) It is unclear if the high-profile trial of Andal
Ampatuan, Jr. will proceed on a reasonable timeline. Lawyers
for Ampatuan, Jr., are likely to employ typical defense
tactics to stall proceedings -- ploys that can delay trials
for many years, given the Philippines' creaky justice system.

Witness testimony in the Philippines is often unpredictable,
and the disposition of witnesses in this case may prove
especially erratic.

BASSETT